

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**MARY BLOODSWORTH and
JERRY BLOODSWORTH,**

Plaintiffs,

V.

CASE NO. 2:05cv622-d

**SMITH & NEPHEW, INC.,
et al.,**

Defendants.

MOTION FOR LEAVE TO FILE AFFIDAVIT

Defendant Smith & Nephew, Inc. ("Smith & Nephew"), moves the Court for leave to file the attached Affidavit of James A. Sparacio, who is the president of Spar Medical, Inc. In support of this motion, Smith & Nephew states that, according to the Plaintiffs, the affidavit is relevant and material to this Court's determination of the fraudulent joinder issues in this case. Smith & Nephew also states that the involvement of Spar Medical, Inc., in the transactions at issue in this case was previously addressed, if not expressly then certainly by implication, in the Affidavit of Donnie Lanier, which Smith & Nephew filed with its Notice of Removal.

s/ James C. Barton, Jr.

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OF COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the above and foregoing with the Clerk of the Court on August 22, 2005, using the CM/ECF system, which will send notification of such filing to the following:

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s/ Alan D. Mathis

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